Municipal Clerk Atlanta, Georgia

08- () -1471

AN ORDINANCE BY: ZONING COMMITTEE **Z-08-07** Date Filed: 1-16-07

AN ORDINANCE CORRECTING ORDINANCE 08-O-0310, ADOPTED BY CITY COUNCIL ON JUNE 2, 2008, APPROVED BY THE MAYOR ON JUNE 10, 2008 WHICH REZONED PROPERTY LOCATED AT 1175, 1197 and 1195 MCDONALD DRIVE, S.E. FROM THE I-1-C (LIGHT INDUSTRIAL-CONDITIONAL/BELTLINE OVERLAY DISTRICTS TO THE MR-4A-C(MULTIFAMILY RESIDENTIAL-CONDITIONAL) DISTRICT FOR THE PURPOSE OF INCLUDING THE CORRECT LEGAL DESCRIPTION.

WHEREAS, Z-08-07 was approved for rezoning from the I-1-C (Light Industrial-Conditional)/Beltline Overlay Districts to the MR4A-C (Multifamily Residential-Conditional) District and adopted as amended by the City Council on June 2, 2008 and approved by the Mayor on June 10, 2008; and

WHEREAS, the applicant amended the application on March 4, 2008 to include an additional parcel and the sign posting, site plans advertisement, and public hearing included the additional parcel; and

WHEREA, the recommendations from the staff, Neighborhood Planning Unit, Zoning Review Board was based on the configuration of the property, as described in the attached legal description:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That Ordinance 08-O-0310 approved for rezoning from the I-1-C (Light Industrial-Conditional)/Beltline Overlay Districts to the MR4A-C (Multifamily Residential-Conditional) District and adopted as amended by the City Council on June 2, 2008 and approved by the Mayor on June 10, 2008; be corrected to include the legal description attached as "Exhibit A".

SECTION 2 If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

Attachment A

LEGAL DESCRIPTION; PERIMETER OF TRACTS 1 THRU 4 (BASED ON SURVEY BY VALENTINO) All that tract or parcel of lead (1)

All that tract or parcel of land lying and being in Land Lots 55 & 56 of the 14th Land District, City of Atlanta, Fulton County, Georgia, said tract or parcel of land being more fully shown and designated as Tracts 1 thru 4 on a plat of survey prepared by Valentino Planning and Associates, Inc., (Job #28008; Drawing #28008), bearing the seal of Glenn A. Valentino, Ga. Registered Land Surveyor #2528, and being more particularly described as follows:

BEGINNING at a 1/2"iron pin set atop a bent 3/4" open-top pipe found (buried +-1' deep) at the intersection of the northwesterly right-of-way line of McDonald Drive (r/w varies; said 1/2"iron pin set being located 24.97 feet northwest of the center of pavement of said McDonald Drive), and the northeasterly right-of-way line of Milton Avenue (r/w varies; said 1/2"iron pin set being located 23.68 feet northeast of the center of pavement of said Milton Avenue).

THENCE proceeding along said northeasterly right-of-way line of Milton Avenue
North 63 degrees 13 minutes 57 seconds West for a distance of 100.00 feet to a 1/2"iron
pin set;

THENCE departing said northeasterly right-of-way line of Milton Avenue North 28 degrees 10 minutes 48 seconds East for a distance of 111.60 feet to a computed point;

THENCE North 28 degrees 10 minutes 48 seconds East for a distance of 57.00 feet to a computed point;

THENCE North 28 degrees 10 minutes 48 seconds East for a distance of 56.00 feet to a 1/2"iron pin set on the line which divides Land Lots 55 & 56;

THENCE proceeding along said line which divides Land Lots 55 & 56 South 88 degrees 30 minutes 06 seconds East for a distance of 9.29 feet to a 1/2"iron pin set;

THENCE departing said line which divides Land Lots 55 & 56 North 00 degrees 38 minutes 24 seconds East for a distance of 200.00 feet to a 1/2"iron pin set;

THENCE South 88 degrees 56 minutes 41 seconds East for a distance of 200.00 feet to a 1"open-top pipe found;

THENCE South 00 degrees 38 minutes 42 seconds West for a distance of 185.66 feet to a PK (masonry)nail set on the northerly right-of-way line of Englewood Avenue (r/w varies);

THENCE proceeding along said northerly right-of-way line of Englewood Avenue South 89 degrees 29 minutes 11 seconds West for a distance of 32.65 feet to a 1/2"iron pin set at the intersection/termini of the northerly right-of-way line of Englewood Avenue and the northwesterly right-of-way line of McDonald Drive;

THENCE departing said northerly right-of-way line of Englewood Avenue and proceeding along said northwesterly right-of-way line of McDonald Drive the following courses and distances:

South 36 degrees 30 minutes 24 seconds West for a distance of 17.76 feet to a 1/2"iron pin set on a line which is both the northwesterly right-of-way line of McDonald Drive and the line which divides Land Lots 55 & 56;

THENCE proceeding along said line which is both the northwesterly right-of-way line of McDonald Drive and the line which divides Land Lots 55 & 56 South 89 degrees 46 minutes 31 seconds West for a distance of 6.24 feet to a 1/2"iron pin set;

THENCE departing said line which divides Land Lots 55 & 56 and proceeding along said northwesterly right-of-way line of McDonald Drive the following courses and distances:

South 36 degrees 34 minutes 03 seconds West for a distance of 75.30 feet to a 3/4" open-top pipe found;

page 19 2

Attachment A

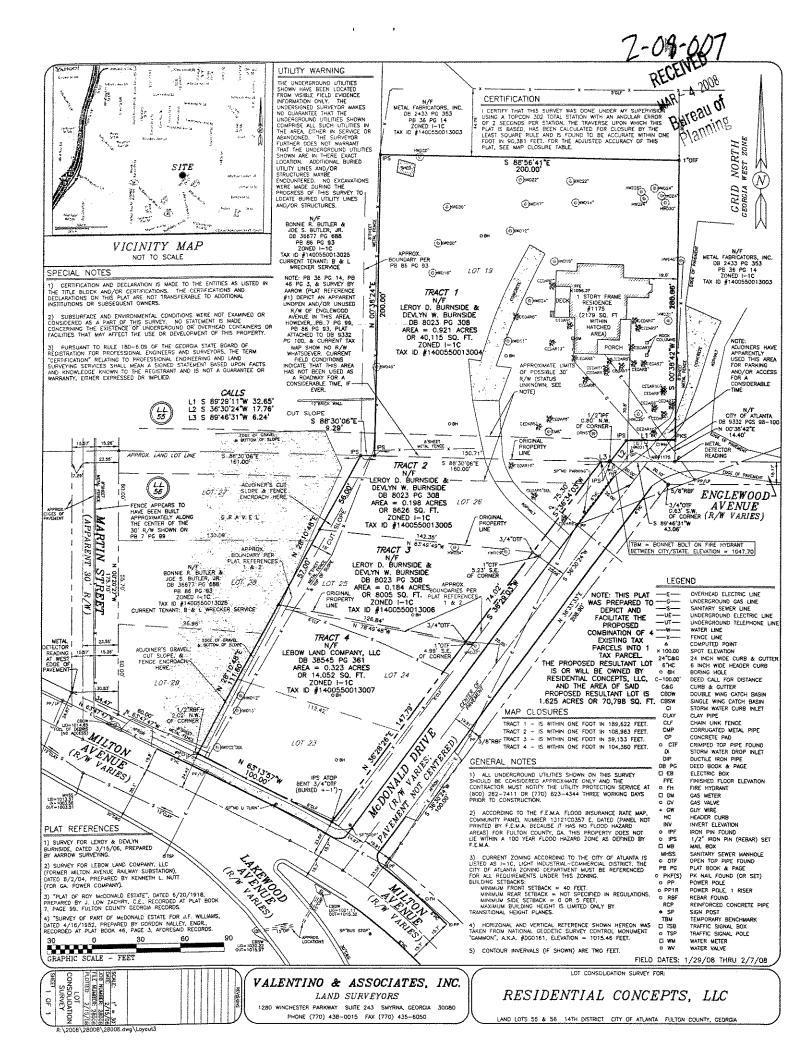
THENCE South 36 degrees 29 minutes 03 seconds West for a distance of 74.02 feeth and to a 3/4" open-top pipe found;

THENCE South 36 degrees 28 minutes 26 seconds West for a distance of 74.02 feeth and the south 36 degrees 28 minutes 26 seconds West for a distance of 74.02 feeth and the south 36 degrees 28 minutes 26 seconds West for a distance of 74.02 feeth and the south 36 degrees 28 minutes 26 seconds West for a distance of 74.02 feeth and the south 36 degrees 28 minutes 26 seconds West for a distance of 74.02 feeth and the south 36 degrees 28 minutes 26 seconds West for a distance of 74.02 feeth and the south 36 degrees 28 minutes 26 seconds West for a distance of 74.02 feeth and the south 36 degrees 28 minutes 26 seconds West for a distance of 74.02 feeth and the south 36 degrees 28 minutes 26 seconds West for a distance of 74.02 feeth and the south 36 degrees 28 minutes 26 seconds West for a distance of 74.02 feeth and the south 36 degrees 28 minutes 26 seconds West for a distance of 74.02 feeth and the south 36 degrees 28 minutes 26 seconds West for a distance of 74.02 feeth and the south 36 degrees 28 minutes 26 seconds West for a distance of 74.02 feeth and 18 degrees 28 minutes 26 seconds West for a distance of 74.02 feeth and 18 degrees 28 minutes 26 seconds West for a distance of 74.02 feeth and 18 degrees 28 minutes 26 seconds West for a distance of 74.02 feeth and 18 degrees 28 minutes 26 seconds West for a distance of 74.02 feeth and 18 degrees 28 minutes 26 seconds West for a distance of 74.02 feeth and 18 degrees 28 minutes 26 seconds West for a distance of 74.02 feeth and 18 degrees 28 minutes 26 seconds West for a distance of 74.02 feeth and 18 degrees 28 minutes 26 seconds West for a distance of 74.02 feeth and 18 degrees 28 minutes 26 seconds West for a distance of 74.02 feeth and 18 degrees 28 minutes 26 seconds West for a distance of 74.02 feeth and 18 degrees 28 degre

THENCE South 36 degrees 28 minutes 26 seconds West for a distance of 147.79 planting feet to a 1/2"iron pin set atop a bent 3/4" open-top pipe found (buried +-1' deep) at the intersection of the northwesterly right-of-way line of McDonald Drive and the northwasterly right-of-way line of Milton Avenue, said 1/2"iron pin set being the POINT OF BEGINNING.

Together with and subject to covenants, easements, and restrictions of record.

Said tract or parcel of land contains 1.625 acres or 70,798 square feet, and is intended to be the same tracts of land that were previously conveyed in Deed Book 8023, Page 308 and Deed Book 38545 Page 361, Fulton County Georgia Records, less the land conveyed at Deed Book 9332, Pages 98 thru 100.





City Council Atlanta, Georgia

08-O-0310

AN AMENDED ORDINANCE BY: ZONING COMMITTEE

Z-08-07 Date Filed: 01-16-08

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the City of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at 1175, 1197 and 1195 McDonald Drive, S.E., be changed from the I-I-C (Light Industrial-Conditional)/Beltline Overlay Districts to the MR-4A-C (Multi-family Residential) District, to wit:

ALL THAT TRACT or parcel of land lying in Land Lot 55, 14th District, Fulton County, Georgia, being more particularly described by the attached legal description and/or survey.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

<u>SECTION 4.</u> That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

A true copy,

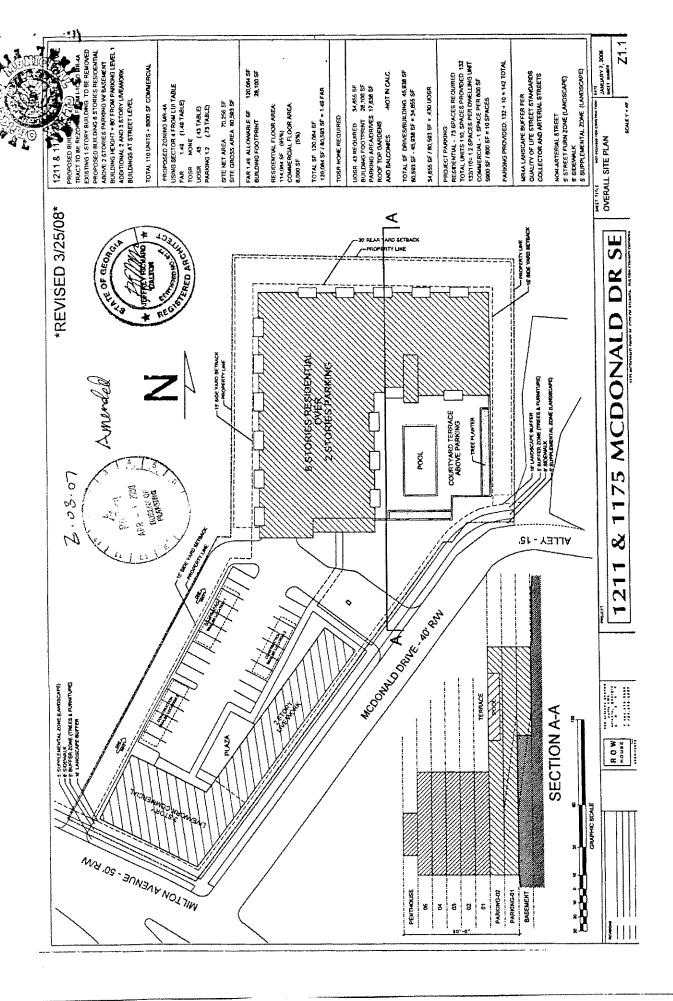
Deputy Clerk

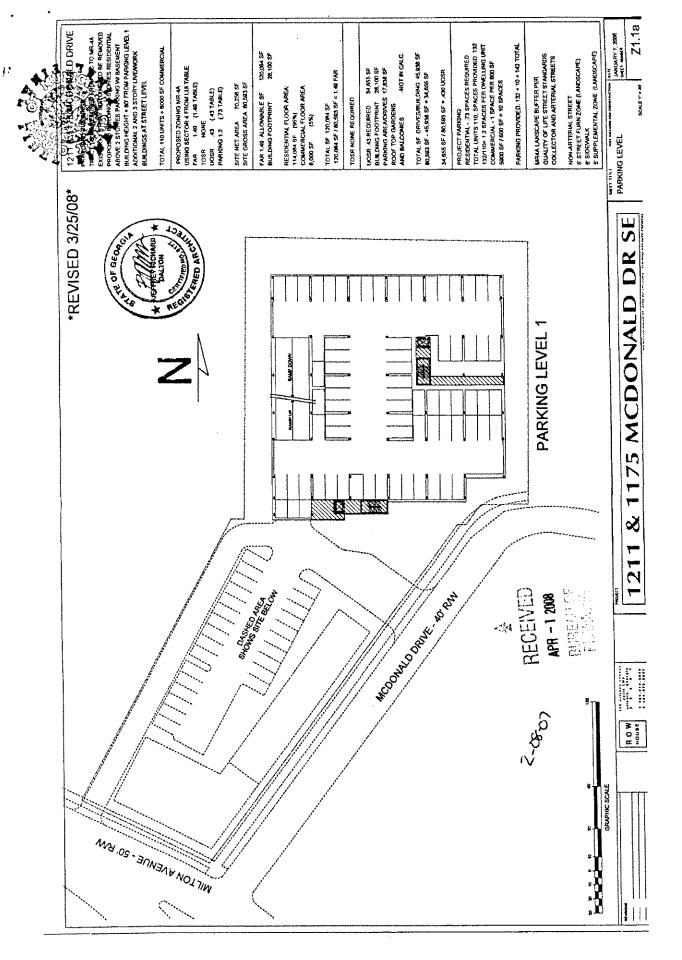
ADOPTED as amended by the Council APPROVED by the Mayor

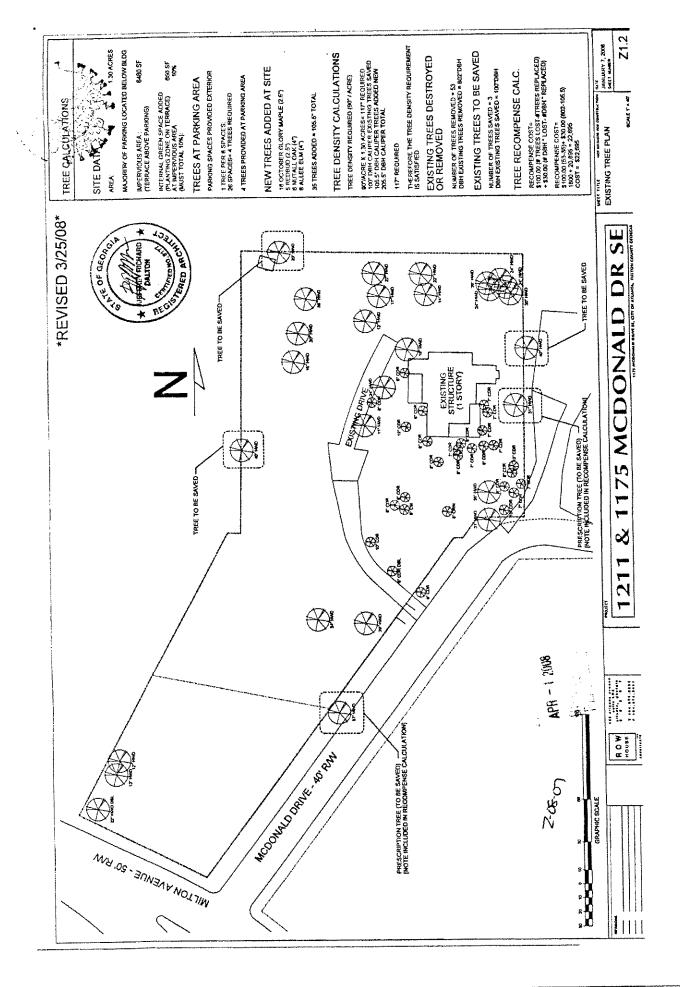
JUN 02, 2008 JUN 10, 2008

Conditions for Z-08-07 for 1211 & 1175 McDonald Drive, S.E.

tite plan titled "1211 & 1175 McDonald Drive, S.E." dated 1/7/08 and marked received by the Bureau of Planning on April 1, 2008.







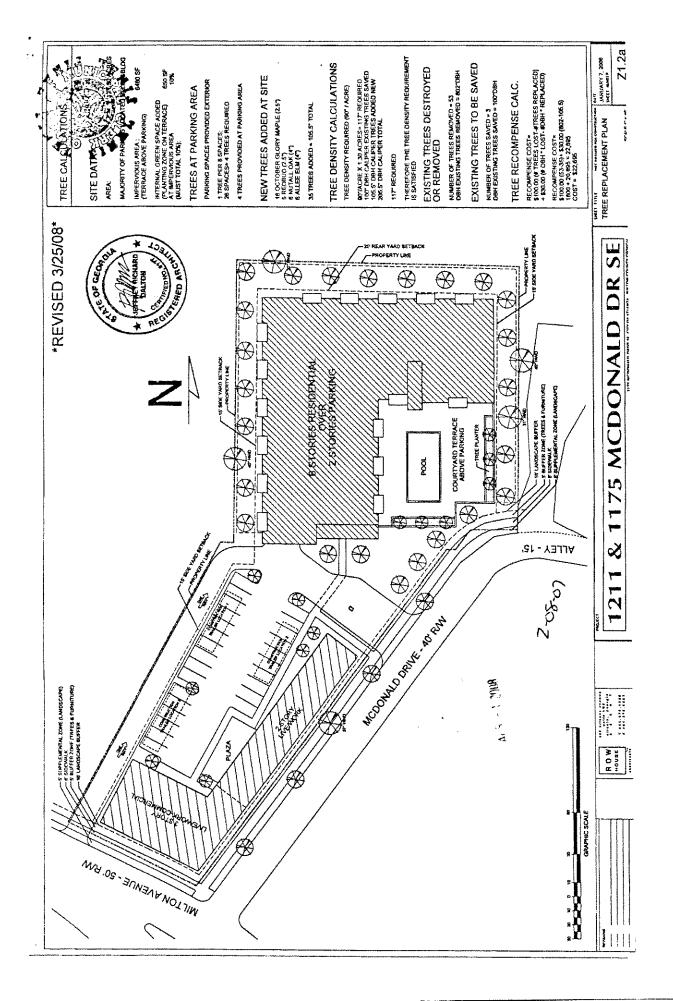




EXHIBIT "A"

RECEIVED

JAN 1 3 2008

Bureau of

all that tract or

parcel of land lying and being in Land Lots 55 and 56 of the 14th District of Fulton County, Georgia, being Lots 19, 25 and 26, Subdivision of the Donald Roy McDonald Estate property, as per survey for J. F. Williams, recorded April 22, 1952 in Plat Book 46, page 3, Fulton County Records, and being more particularly described as follows:

BEGINNING on the Northwestern side of McDonald Drive, 148 feet Northeasterly from the intersection of the Northwestern side of McDonald Drive with the Northeastern side of Milton Avenue, said point of beginning being marked by a concrete and brass marker at the Northeastern corner of Lot 24 in said subdivision; thence Northeasterly along the Northwestern side of McDonald Drive, One Hundred Fifty Three and Four-teachs (153.4) feet to an iron pin on the line dividing said land lots 56 and 55; thence East along said land lot line, Forty Two and Eight-tenths (42.8) feet to an iron pin located at the Southwest corner of property now or formerly owned by Metal Fabricators, Inc.; thence North along the West line of said Metal Fabricators, Inc. property, Two Bundred (200) feet to an iron pin; thence West along the South line of said Metal Fabricators, Inc. property, Two Hundred (200) feet to an iron pin; thence South, Two Hundred (200) feer to an iron pin on said line dividing Land Lots 55 and 56; thence West along said land lot line, Two and Eight-tenths (2.8) feet to an iron pin at the Northeastern corner of Lot 27; thence Southwesterly along the reat lines of Lots 27 and 28, One Eundred Fifteen and Five-tenths (115.5) feet to a concrete and brass marker at the Northwestern corner of Lot 24 aforesaid; thence Easterly along the Northern line of Lot 24, One Hundred Twenty Seven (127) feet to the concrete and brass marker on the Northwestern side of McDonald Drive at the point of beginning; being improved property known as No. 1175 McDonald Drive, Atlanta, Georgia.

LESS AND EXCEPT FROM THE ABOVE DESCRIBED PROPERTY THE FOLLOWING PARCEL OF LAND:

ALL that tract or parcel of land lying and being in the City of Atlanta in Land Lot 55 of the 14th District of Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at the point of intersection of the south line of Land Lot 55 with the westerly right-of-way of McDonald Drive (Plat Book 46, page 3,) 17.76 feet, along the westerly right-of-way of McDonald Drive to the intersection of the proposed northerly right-of-way of Englewood Avenue; northerly right-of-way of Englewood Avenue; northerly right-of-way of Englewood Avenue to a point; running thence due east a distance of 32.40 feet along the proposed due south a distance of 14.40 feet to a point on the south line of Land of beginning.

Said tract containing 541.04 square feet.

RCS# 20.3 6/02/69 3:11 FM

Atlanta City Council

REGULAR SESSION

CHANGE FROM I-1-C TO MR-4A-C 1175 1197 1195 MCDONALD DR. ADOPT AS AMEND

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 1

Y Archibong Y Moore NV Mitchell Y Fauver Y Martin Y Norwood Y Shook Y Maddox Y Willis Y Muller Y Sheperd NV Borders